

REMARKS

This application has been carefully reviewed in light of the Office Action mailed May 12, 2009. Claims 1-34 have been amended above. New claims 35-36 have been added above. Claims 1-36, accordingly, are now pending in this application. Applicant respectfully submits that no new matter has been added by way of the amendments presented herein. Applicant respectfully requests reconsideration of this application and favorable action on all remaining claims in view of these amendments and the following remarks.

I. Claim Objections

In the Office Action, the Examiner objected to claims 6-34 as being in improper form. In particular, the Examiner noted that a multiple dependent claim may not depend from a preceding multiple dependent claim. Claims 6-34 have been amended above to remove all multiple dependencies. Applicant, therefore, respectfully requests that the Examiner's objection to claims 6-34 be withdrawn.

II. Claim Rejections under 35 U.S.C. § 112

Claims 1-5 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. In particular the Examiner notes that the term "may be" appearing in claim 1 is unclear. Claim 1 has been amended above to remove this term. Applicant, therefore, respectfully requests that the Examiner's rejection of claims 1-5 be withdrawn.

III. Claim Rejections under 35 U.S.C. 102

Claims 1-5 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,388,509 to Mora ("Mora"). Applicant respectfully traverses this claim rejection.

Claim 1 has been amended above to recite that "responsive to application of a load to the pneumatic plate element, a first compression/tension element of the at least two compression/tension elements is compressed and a second compression/tension element of the at

least two compression/tension elements is tensioned." Applicant respectfully submits that Mora fails to disclose at least this feature of amended claim 1. In contrast, Mora discloses an inflatable construction panel having a series of inflatable members disposed between a pair of facing skins (62 and 64).¹ A rigidizing substance is poured into a plurality voids between the inflatable members during wall fabrication.²

In the Office Action, the Examiner characterizes the facing skins (62 and 64) as at least two compression/tension elements.³ Applicant respectfully disagrees with this characterization. However, even if it assumed for the sake of argument that such a characterization is correct, Mora still fails to disclose the apparatus as in amended claim 1. For example, Mora does not disclose that responsive to application of a load to the pneumatic plate element, a first compression/tension element of the at least two compression/tension elements is compressed and a second compression/tension element of the at least two compression/tension elements is tensioned as recited in amended claim 1. On the contrary, Mora itself discloses that the facing skins are "in tension."⁴ Applicant points out that the facing skins (62 and 64) are described in Mora as "flexible skins or sheets."⁵ This is a very significant distinction. The facing skins (62 and 64) described in Mora are, by definition, not capable of supporting a compression load. It is thus respectfully submitted that Mora fails to disclose a first compression/tension element of the at least two compression/tension elements as specifically recited through the above amendments in claim 1. For at least this reason, Applicant respectfully submits that amended claim 1 distinguishes over Mora.

Claims 2-34 depend from, and further restrict, independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least those reasons set forth above with respect to claim 1, claims 2-34 also distinguish over Mora and are in condition for allowance.

¹ Mora, col. 3, ll 11-31.

² *Id.* at col. 2, ll. 33-38.

³ Office Action, p. 3.

⁴ Mora, col. 2, l. 30.

⁵ *Id.* at col. 3, ll. 19-21.

New claims 35-36 have been added above. New claims 35-36 depend from, and further restrict, independent claim 1 in a patentable sense. Applicant respectfully submits that, for at least those reasons set forth above with respect to claim 1, new claims 35-36 also distinguish over Mora and are in condition for allowance.

In view of the above amendment, Applicant respectfully submits that the present application is in condition for allowance. A Notice to that effect is respectfully requested.

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Respectfully submitted,

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